



RICHARD CORDRAY OHIO ATTORNEY GENERAL

Tenants' Rights Regarding Foreclosure

The Protecting Tenants at Foreclosure Act is a federal law that provides protections for tenants whose landlords are in foreclosure. If you rent your home, learn about your rights under this law to protect yourself and your home.

How does foreclosure affect tenants?

Foreclosure is the legal process a bank uses to repossess a home when the owner doesn't make payments. If you are a tenant, you probably make monthly rent payments to your landlord, and in turn, your landlord makes mortgage payments to the bank. If your landlord stops making those mortgage payments, the bank may foreclose on your landlord, and you could be forced out of your home.

As a tenant, what rights do I have under the Protecting Tenants at Foreclosure Act?

If the new owner takes over as landlord, you have the right to stay in your homes until the end of your current lease. On the other hand, if the new owner intends to live in the property or later sells the property to someone who wants to live in the property, you must be given at least 90 days advance notice to move out.

What should I do if the new owner says I must leave in less than 90 days?

If the new owner does not honor your right to a 90-day notice, send the owner a letter explaining your protections under the Protecting Tenants at Foreclosure Act. A sample letter is available in the "Renters in Foreclosure Toolkit" at www.nlihc.org. Keep a copy of the letter for your files, and send the letter via certified mail with a return receipt. This will give you proof that the new owner received your letter.

Does the new law apply to all tenants whose landlords are in foreclosure?

The law applies to tenants who live in properties that are sold at a foreclosure sale on or after May 20, 2009, the date the law went into effect.

Should I pay rent to the new owner?

Yes. You should continue to pay rent to the new owner to avoid eviction.

Where can I get more information?

The National Low Income Housing Coalition has a "Renters in Foreclosure Toolkit." You can access that toolkit at www.nlihc.org. For more information or to see if you are eligible for legal assistance, please visit the Ohio Legal Services website at www.ohiolegalservices.org or call (866) LAW-OHIO (866 -529-6446) to be connected to your local legal aid office.

If you need additional help locating the appropriate resources, contact Ohio Attorney General Richard Cordray's office at www.OhioAttorneyGeneral.gov or (800) 282-0515.